

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

**MARVIN D. HURLEY, II, a minor,
by Kimberly A. Hurley, his next friend, and
KIMBERLY A. HURLEY, individually,**

Plaintiffs,

v.

**Civil Action No. 3:07-cv-14
(Judge Bailey)**

**POTOMAC EDISON COMPANY,
d/b/a Allegheny Power,**

Defendant and Third-Party Plaintiff,

v.

**ASPLUNDH TREE EXPERT CO., and
TOWNSEND TREE SERVICE CO., INC.,**

Third-Party Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT**

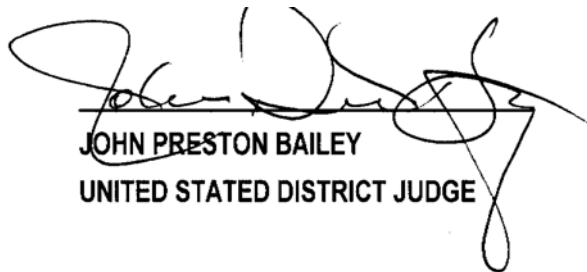
On this day, the above-styled matter came before the Court for consideration of Plaintiffs' Motion to Amend Complaint [Doc. 34]. In their Motion, the plaintiffs seek leave to amend their complaint to include Asplundh Tree Expert Company and Townsend Tree Service Co., Inc. In support of their motion, the plaintiffs allege that their cause of action accrued September 27, 2005, that the amendment would permit the presentation of the merits of the action, that the adverse parties are not prejudiced by a sudden assertion of the subject of the amendment, that the adverse parties will be given ample opportunity to meet the issues, and that both Asplundh Tree Expert Company and Townsend Tree

Service Company, Inc. have already been brought into this action by Potomac Edison Company.

Having reviewed the above motion, it is the opinion of this Court that Plaintiffs' Motion to Amend Complaint [Doc. 34] should be, and is, hereby **GRANTED**. Accordingly, the plaintiffs are **ORDERED** to file their amended complaint, and the parties named therein shall plead in response within the time limits prescribed by Rule 15.

It is so **ORDERED**.

DATED: August 27, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE